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123103  
U.S.PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

<i>Attorney Docket No.</i>	1875.3920005
<i>First Inventor</i>	Brown et al.
<i>Title</i>	APPARATUS AND METHOD FOR COMMUNICATING ARBITRARILY ENCODED DATA OVER A 1-GIGABIT ETHERNET
<i>Express Mail Label No.</i>	

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 20]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (*if filed*)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 12]
5. Oath or Declaration [Total Sheets 2]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney  
*(when there is an assignee)*
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: \_\_\_\_\_ Authorization under 37CFR 1.136(a)(3)  
The name of the assignee is: \_\_\_\_\_ Broadcom Corporation

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation       Divisional       Continuation-in-part (CIP)      of prior application No.: .....

Prior application information: Examiner \_\_\_\_\_ Art Unit: \_\_\_\_\_  
 For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**
 Customer Number: 26111      OR       Correspondence address below

Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.		
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Jeffrey T. Helvey	Registration No. (Attorney/Agent)	44,757
Signature	<i>Jeffrey T. Helvey</i>	Date	12/31/03

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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U.S.PTO

PTO/SB/17 (10-03)

Approved for use through 07/31/2006, OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
**940.00**

Complete if Known	
Application Number	To Be Assigned
Filing Date	12/31/03
First Named Inventor	Brown et al.
Examiner Name	To Be Assigned
Art Unit	To Be Assigned
Attorney Docket No.	1875.3920005

## METHOD OF PAYMENT (check all that apply)

- Check  Credit card  Money Order  Other\*\*  None
- \*\*Charge any deficiencies or credit any overpayments in Deposit Account.  
 Deposit Account: the fees to Deposit Acct. No. 19-0036.

Deposit Account Number  
19-0036

Deposit Account Name  
Sterne Kessler, Goldstein & Fox P.L.L.C.

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments
- Charge any additional fee(s) or any underpayment of fee(s)
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>		<b>(\$)</b>	<b>770.00</b>

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	20	- 20 **=	<input type="text"/>	X	<input type="text"/>	=	<input type="text"/>
Independent Claims	3	- 3 **=	<input type="text"/>	X	<input type="text"/>	=	<input type="text"/>
Multiple Dependent							

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$)</b>

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	2051	65	Surcharge - late filing fee or oath	
1052 50	2052 25	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	1053	130	Non-English specification	
1812 2,520	1812 2,520	1812	2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	2251	55	Extension for reply within first month	
1252 420	2252 210	2252	210	Extension for reply within second month	
1253 950	2253 475	2253	475	Extension for reply within third month	
1254 1,480	2254 740	2254	740	Extension for reply within fourth month	
1255 2,010	2255 1,005	2255	1,005	Extension for reply within fifth month	
1401 330	2401 165	2401	165	Notice of Appeal	
1402 330	2402 165	2402	165	Filing a brief in support of an appeal	
1403 290	2403 145	2403	145	Request for oral hearing	
1451 1,510	1451 1,510	1451	1,510	Petition to institute a public use proceeding	
1452 110	2452 55	2452	55	Petition to revive - unavoidable	
1453 1,330	2453 665	2453	665	Petition to revive - unintentional	
1501 1,330	2501 665	2501	665	Utility issue fee (or reissue)	
1502 480	2502 240	2502	240	Design issue fee	
1503 640	2503 320	2503	320	Plant issue fee	
1460 130	1460 130	1460	130	Petitions to the Commissioner	130.00
1807 50	1807 50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	1806	180	Submission of Information Disclosure Stmt	
8021 40	8021 40	8021	40	Recording each patent assignment per property (times number of properties)	40.00
1809 770	2809 385	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	2801	385	Request for Continued Examination (RCE)	
1802 900	1802 900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3)</b>	<b>(\$)</b>
					<b>170.00</b>

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Jeffrey T. Helvey	Registration No. (Attorney/Agent)	44,757	Telephone	(202) 371-2600
Signature				Date	12/31/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brown *et al.*

Appl. No.: *To Be Assigned*

Filed: December 31, 2003

For: **Apparatus and Method for  
Communicating Arbitrarily  
Encoded Data Over a 1-Gigabit  
Ethernet**

Confirmation No.: *To Be Assigned*

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 1875.3920005

**Authorization to Treat a Reply as Incorporating an  
Extension of Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jeffrey T. Helvey  
Agent for Applicants  
Registration No. 44,757

Date: 12/31/03

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600  
214674v1



ATTORNEYS AT LAW

Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbala  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcorn  
Robert C. Millonig  
Lawrence B. Bugalsky  
Donald J. Featherstone  
Michael V. Messinger

Judith U. Kim  
Timothy J. Shea, Jr.  
Patrick E. Garrett  
Heidi L. Kraus  
Edward W. Yee  
Albert L. Ferro\*  
Donald R. Banowitz  
Peter A. Jackman  
Molly A. McCall  
Teresa U. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Eldora Ellison Floyd  
Thomas C. Fiala  
Brian J. Del Buono  
Virgil Lee Beaston  
Kimberly N. Reddick

Theodore A. Wood  
Elizabeth J. Haanes  
Joseph S. Ostroff  
Frank R. Cottingham  
Christine M. Lhuier  
Rae Lynn Prengaman  
Jane Shershenovich\*  
Lawrence J. Carroll\*  
George S. Bardmesser  
Daniel A. Klein\*  
Jason D. Eisenberg  
Michael D. Specht  
Andrea J. Kamage  
Tracy L. Muller\*  
LuAnne M. Yuricek  
John J. Figueiroa  
Ann E. Summerfield  
Tiera S. Coston\*

Aric W. Ledford\*  
**Registered Patent Agents\***  
Karen R. Markowicz  
Nancy J. Leith  
Helene C. Carlson  
Gaby L. Longsworth  
Matthew J. Dowd  
Aaron L. Schwartz  
Mary B. Tung  
Katrina Y. Pei Quach  
Bryan L. Skelton  
Robert A. Schwartzman  
Timothy A. Doyle  
Jennifer R. Mahalingappa  
Teresa A. Colella  
Jeffrey S. Lundgren

Victoria S. Rutherford  
Eric D. Hayes

**Of Counsel**  
Kenneth C. Bass III  
Evan R. Smith

\*Admitted only in Maryland  
+Admitted only in Virginia

\*Practice Limited to  
Federal Agencies

**WRITER'S DIRECT NUMBER:**  
(202) 772-8675

**INTERNET ADDRESS:**  
JHELVY@SKGF.COM

December 31, 2003

**Mail Stop Patent Application**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
Appl. No. *To Be Assigned*; Filed: December 31, 2003  
For: **Apparatus and Method for Communicating Arbitrarily Encoded Data  
Over a 1-Gigabit Ethernet**  
Inventors: Brown *et al.*  
Our Ref: 1875.3920005

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
2. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
3. PTO Fee Transmittal (Form PTO/SB/17);
4. U.S. Utility Patent Application entitled:

**Apparatus and Method for Communicating Arbitrarily Encoded Data Over  
a 1-Gigabit Ethernet**

and naming as inventors:

Kevin Brown and Richard Thousand

the application consisting of:

- a. An Application Data Sheet (37 C.F.R. § 1.76);

Commissioner for Patents  
December 31, 2003  
Page 2

- b. A specification containing:
    - i. 15 pages of description prior to the claims
    - ii. four pages of claims (20 claims);
    - iii. a one (1) page abstract;
  - c. Twelve sheets of drawings: (Figures 1A, 1B, 2, 3, 4, 5A, 5B, 6, 7A, 7B, 7C, 7D, 8, 9 and 10); and
  - d. An original executed Declaration;
- 5. Petition for Expedited Handling of Foreign Filing License Under 37 C.F.R. § 5.11 *Et Seq.*
  - 6. Recordation Form Cover Sheet (Form PTO-1595);
  - 7. Assignment To Broadcom Corporation, official recordation and return of which is respectfully requested;
  - 8. Form PTO-2038 Credit Card Payment Form in the amount of \$940.00 for \$770.00 Application Fee, \$130.00 for Petition to Commissioner and \$40.00 Assignment Recordation Fee; and
  - 9. Two (2) return postcards.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey T. Helvey  
Agent for Applicants  
Registration No. 44,757

219694v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Brown *et al.*  
Appl. No.: *To Be Assigned*  
Filed: December 31, 2003  
**For: Apparatus and Method for  
Communicating Arbitrarily  
Encoded Data Over a 1-Gigabit  
Ethernet**

Confirmation No.: *To Be Assigned*  
Art Unit: *To Be Assigned*  
Examiner: *To Be Assigned*  
Atty. Docket: 1875.3920005

**Petition for Expedited Handling of Foreign Filing License  
Under 37 C.F.R. § 5.11 *Et Seq.***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

It is hereby petitioned that a Foreign Filing License be granted in an expedited manner for the above-referenced application. Applicants, whose addresses are: (1) Kevin Brown, residing at 276 St Joseph Avenue, Long Beach, California 90803; and (2) Richard Thousand, residing at 2202 NE Trilein Drive, Ankeny, Iowa 50021 desire to file immediately one or more international applications directed to subject matter that is described in the application.

Applicants desire to seek immediate patent protection for the invention by filing corresponding patent applications abroad. A foreign filing license is necessary in order to file abroad. It is therefore respectfully requested that a foreign filing license be granted on an expedited basis.

The parent applications **have** been filed on April 22, 2003, February 28, 2003, and January 23, 2003. Also, the Non-Provisional application **has not** been filed in the

U.S. Patent and Trademark Office but is filed herewith, so that this Petition is formally submitted under 37 C.F.R. § 5.13.

A copy of the U.S. Non-Provisional application (filed herewith) is attached to this Petition. **It is respectfully requested that the undersigned be telephoned with the decision on this Petition immediately after it has been acted upon.** Do not hesitate to contact the undersigned if there should be any questions concerning this request.

Please telephone the undersigned to pick up the foreign filing license, when granted.

Our PTO-2038 Credit Card Payment Form for the required fee of \$130.00 (37 C.F.R. § 1.17(h)) is attached. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey T. Helvey  
Agent for Applicants  
Registration No. 44,757

Date: 12/31/03

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600